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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,433	04/03/2006	Neil C. Bird	GB030177US1	9694
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EXAMINER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,433

Applicant(s)

BIRD ET AL.

Examiner

Munjal Patel

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 4-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Art Unit- Location

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claim 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Libes (PGPUB US 2003/0162556 A1)** as applied to claim 1 below , and further in view of **Sako et al(US Patent # 6,980,083 B2)** herein after referred as Sako.

3. **Regarding claim 1**, Libes discloses a method and system for communication between two wireless enabled devices along with the method of configuring a radio link between a first device and a second device (**Libes: paragraph 31, line 1**), each of the first device and second device comprises radio means (**Libes: paragraph 31, lines 2**), and wherein at least one of the first device and the second device comprises proximity detection means (**Libes: Fig 1-3: device 2 & 4, paragraph 0032 lines [11-13]**) and timing means wherein said method comprises the act of detecting proximity between first device and second device when the first device and the second device are within a predetermined distance of each other (**Libes: Fig 9 & paragraph 37, line [1-8]** **discloses the magnet and detector are specified for proximity detection, paragraph 48 and figures 23 and 24 discuss proximity timing intervals**), detecting a duration of the proximity of the first device and the second device to each other. Establishing the link if the duration exceeds a predetermined duration and the link is not already established, (**Libes: Fig 23**) and removing the link if the link is already established. However Libes fails disclose removing the link if the link is already established. However the examiner maintains that it was well known in the art to provide removing the link if the link is already established as taught by Sako (**Sako: Fig 11 & column 9 lines [12-36]** **discloses method where it specifically checks if there is application ID present in the history mgmt table, if it is then it disconnects the link.**)

4. In a similar field of endeavor Sako discloses Radio communication system apparatus and method. In addition Sako discloses removing the link if the link is already established.

5. **Therefore**, it would have been obvious to one of ordinary skill in that art at the time the invention was made to modify Libes by specifically providing removing the link if the link is already established as taught by Sako for the purpose of saving power in portable device (**Sako: column 1 lines [62-65]**).

6. **Regarding claim 4**, Libes in further view of Sako discloses everything in claim 1 as above along with predetermined duration is between substantially two and ten seconds (**Libes: Figures 23 and 24 range from 100-350 milliseconds, which is less than 10 second, however it is a design choice of applicant to have that range between 2 and 10 second, which is not patentable**). This claim is rejected for the same motivation as claim 1.

7. **Regarding claim 5**, Libes in further view of Sako discloses everything in claim 1 as above along with said predetermined duration is about 2 seconds (**Libes: Figures 23 and 24 range from 100-350 milliseconds, however it is a design choice of applicant to have that range about 2 second, which is not patentable**) Being adjustable these timer intervals also anticipate the larger interval of 2 seconds. This claim is rejected for the same motivation as claim 1.

8. **Regarding claim 6**, Libes in further view of Sako discloses everything in claim 1 as above, along with identifiers are pre-installed radio identifiers Claim 6 is rejected on the same grounds as claim 1, **(Libes: paragraph 32: lines [14-17])**. This claim is rejected for the same motivation as claim 1.

9. **Regarding claim 8**, Libes in further view of Sako discloses everything in claim 1 as above along with act of indicating a configuration status of the link **(Libes: paragraph 45, lines[20-22])**.

10. **Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libes as applied to claims above, and further in view of Sako.**

11. **Regarding claim 9**, Libes discloses a system having devices including a first radio device and a second radio device comprising radio means operable to communicate via a configurable radio link there between **(Libes: paragraph 31)**, and wherein at least one of said devices comprises proximity detection means for detecting proximity between the first radio device and the second radio device when said devices are within a predetermined distance of each other and timing means for detecting duration of said proximity **(Libes: paragraph 48 and figures 23 and 24 discuss timing)** and wherein said radio means establish the radio link if the duration exceeds a predetermined duration and the radio link is not already established and wherein said radio means **(Libes: Fig 23)** remove the radio link if the radio link is already

established. However Libes fails disclose removing the link if the link is already established. However the examiner maintains that it was well known in the art to provide removing the link if the link is already established as taught by Sako (**Sako: Fig 11 & column 9 lines [12-36] discloses method where it specifically checks if there is application ID present in the history mgmt table, if it is then it disconnects the link.**)

12. In a similar field of endeavor Sako discloses Radio communication system apparatus and method. In addition Sako discloses removing the link if the link is already established.

13. **Therefore**, it would have been obvious to one of ordinary skill in that art at the time the invention was made to modify Libes by specifically providing removing the link if the link is already established as taught by Sako for the purpose of saving power in portable device (**Sako: column 1 lines [62-65]**).

14. **Regarding claim 10**, Libes in further view of Sako discloses everything in claim 9 as above along with first and second device are adapted to physically connect with respective host apparatus (**Libes: Fig 4: “mechanical components that physically interlock**) and wherein said apparatus communicate with one another via said configurable radio link (**Libes: paragraph 32 & Fig 1**).

15. **Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libes as applied to claims above, and further in view of Sako.**

16. **Regarding claim 11**, Libes discloses a radio device operable to communicate via a configurable radio link with a further device (**Libes: paragraph 31**) the radio device comprising proximity detection means for detecting proximity between the radio device and the further device when the radio device and the further device are within a predetermined distance of each other (**Libes: Fig 1-3: device 2 & 4, paragraph 0032 lines [11-13]**), timing means for detecting duration of said proximity (**Libes: figures 23 and 24 and paragraph 37**) and radio means for establishing the radio link if the duration exceeds a predetermined duration (**Libes: Fig 23**) and the radio link is not already established (**Sako: Fig11: S25 & column 9 lines 1-11**) and for removing the radio link if the radio link is already established. However Libes fails disclose removing the link if the link is already established. However the examiner maintains that it was well known in the art to provide removing the link if the link is already established as taught by Sako (**Sako: Fig 11 & column 9 lines [12-36] discloses method where it specifically checks if there is application ID present in the history mgmt table, if it is then it disconnects the link.**)

17. In a similar field of endeavor Sako discloses Radio communication system apparatus and method. In addition Sako discloses removing the link if the link is already established.

18. **Therefore**, it would have been obvious to one of ordinary skill in that art at the time the invention was made to modify Libes by specifically providing removing the link

if the link is already established as taught by Sako for the purpose of saving power in portable device (**Sako: column 1 lines [62-65]**).

19. **Regarding claim 12**, Libes in further view of Sako discloses everything in claim 11 as above along with proximity detection means comprises a reed switch and magnet (**Libes: paragraph 38 and figure 10, item 404**). This claim is rejected for the same motivation as claim 11.

20. **Regarding claim 13**, Libes in further view of Sako discloses everything in claim 12 as above along with magnet has insufficient field strength to operate said reed switch, and wherein said switch and magnet are arranged such that some of the magnetic field lines emanating from the magnet are perpendicular to the direction in which the switch closes. It is obvious to one ordinary skilled in art to selecting the physical and magnetic orientations in mounting the magnet and reed relay switch. This claim is rejected for the same motivation as claim 12.

21. **Regarding claim 14** Libes in further view of Sako discloses everything in claim 13 as above along with a magnet has sufficient field strength to operate said reed switch, and wherein said switch and magnet are arranged such that the magnetic field lines emanating from the magnet are substantially parallel to the direction in which the switch closes, claim 14 is rejected is for the same motivation as claim 13.

22. **Regarding claim 15** Libes in further view of Sako discloses everything in 13 as above along with a timing means comprises a micro-controller connected with said proximity detection means. Claim 15 is rejected for the same motivation as claims 13 additionally because It is obvious to one ordinary skilled in art to have a micro-controller for implementing a communication device (**Libes: paragraph 47 and 48**).

23. **Regarding claim 16**, Libes in further view of Sako discloses everything in claim 15 as above along with radio means comprises a digital transceiver controlled by said micro- controller, claim 16 is rejected for the same motivation as claim 15 additionally because It is obvious to one ordinary skilled in art to have a digital transceiver for implementing a communication device (**Libes: paragraph 48: 'individual processing system for wireless handshaking'**).

24. **Regarding claim 17**, Libes in further view of Sako discloses everything in claim 11 as above along with the device being further adapted to physically connect with a host apparatus. Claim 17 is rejected for the same motivation as claim 11 in addition

(**Libes: paragraph 41, lines [1]**), and provide and receive data to and from said host apparatus along with **Libes: paragraph 41, lines [2-6]**).

25. Claim 7 is rejected under 35 U.S.C 103(a) as being unpatentable over Libes in view of Sako in further view of O'Toole (US 6,130,602).

26. **Regarding claim 7**, Libes in further view of Sako teaches a method as claimed in claim 1. Libes in view of Sako fails to disclose "wherein said identifiers are randomly generated radio identifiers."

27. however examiner maintains that it was known to person ordinarily skilled in the art at the time of invention to modify Libes in view of Sako in further view of O'Toole by including " said identifiers are randomly generated radio identifiers" as disclosed by O'toole.

28. In similar endeavor O'Toole discloses establishing of said link comprises exchanging randomly generated radio identifiers (**O'Toole: paragraph 188 "the interrogator 26 sends a command causing each device 12 of a potentially large number of responding devices 12 to select a random number"**).

29. Therefore, it would have been obvious for someone with an ordinary level of skill in communications circuitry design to combine this random identifier scheme with Libes in view of Sako. O'Toole's rationale is to allow multiple RF tags to automatically arbitrate their identities while in a clustered situation with multiple possible responding devices by

selecting uniquely random identifier numbers 'to select a random number from a known range and use it as that device's arbitration number'.

Response to Arguments

1. Applicant's arguments along with amendment, see page 9 paragraph 1 about 35 U.S.C 112 second paragraph, filed 06/27/2008, with respect to Claims 1, 4-8 have been fully considered and are persuasive. The 112 second paragraph of claim 1, 4-8 has been withdrawn.
2. Applicant's arguments regarding 35 U.S.C 103(a) filed 06/27/2008 have been fully considered but they are not persuasive.
3. Applicant argues "removal of link is based on the presence of the Application ID in the history management table" is not similar to what application teaches. The examiner disagrees as in claim 1, 9 & 11 applicant claims "removing link if the link is already present" and the only way for system to know that the link is present is to check or update every time a link is successful and make a history table of it. Secondary Prior art Sako teaches a system and method which performs verification of the link by means of Application ID in history table, History table gets updated every time it goes through link creating flow chart (**Sako: Fig 10 & 11 and Step S15 & S37 respectively**). It gets the Application ID by creating link while performing handshaking and compares with the history table to make sure duplicate link is not being created. If there is an entry in the history table, which suggests there is a link established, it goes to Step S15/S37 to

break the link while keeping the other. The examiner believes it is exactly the same functionality that is being claimed in claims 1, 9, & 11.

4. Applicant also argues O'tool is cited to show other features but does not remedy the deficiencies of Libes and Sako, the examiner disagrees and O'tool suggests the deficiency "being able to generate a randomly generated radio identifier" (**O'Toole: paragraph 188 "the interrogator 26 sends a command causing each device 12 of a potentially large number of responding devices 12 to select a random number"**). which is not disclosed by Libes and Sako.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Munjal Patel whose telephone number is (571)270-5541. The examiner can normally be reached on Monday - Friday 9:00 AM - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Munjal Patel
Examiner
Art Unit 2617

/MP/

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Supervisory Patent Examiner, Art Unit 2617